

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FRANK TADDEO, et al.,

Plaintiffs,

v.

AMERICAN INVSCO CORPORATION,  
et al.,

Defendants.

Case No. 2:08-CV-01463-KJD-RJJ

**ORDER**

Currently before the Court is Defendants 250 E. Flamingo, Inc., Koval Flamingo Holdings, LLC, Koval Flamingo Investors, LLC's Motion to Dismiss (#497). Plaintiffs filed a Response in Opposition (#511), to which Defendants filed a Reply (#521). Also before the Court are Plaintiffs' Motions for Summary Judgment and Partial Summary Judgment (##565, 566, 569) and Supplement (#572). Plaintiffs filed Notices of Non-Response (##609, 610, and 611) in regard to said Motions, however, no responsive pleadings were filed to these Motions. Also before the Court is Plaintiff Snap Properties, LLC's Motion for Partial Summary Judgment (#567). Plaintiffs filed a Notice of Non-Response (#612) in regard to said Motion, however no responsive pleadings were filed to this Motion.

1 On September 30, 2010, the Court issued an Order (#695) finding that Plaintiffs' Second  
 2 Amended Complaint (#350) was deficient on many grounds, and requiring Plaintiffs to file an  
 3 amended complaint on or before October 30, 2010. Specifically, the Court found that Plaintiffs'  
 4 Second Amended Complaint was ambiguous and overly broad, and failed to meet the standards of  
 5 Fed. R. Civ. P. 8, 9, and 10.<sup>1</sup>

6 A review of each of the Motions listed above demonstrates that each is based on the  
 7 allegations of the Second Amended Complaint.<sup>2</sup> Accordingly, all said Motions must be denied as  
 8 moot, at this time.

9 Accordingly, **IT IS HEREBY ORDERED** that 250 E. Flamingo, Inc., Koval Flamingo  
 10 Holdings, LLC, Koval Flamingo Investors, LLC's Motion to Dismiss (#497) is **DENIED** as moot.

11 **IT IS FURTHER ORDERED** that Plaintiffs' Motion for Summary Judgment (##565, 566,  
 12 569) are **DENIED** as moot.

13 **IT IS FURTHER ORDERED** that Plaintiff Snap Properties, LLC's Motions for Partial  
 14 Summary Judgment (#567) are **DENIED** as moot.

15 DATED this 20th day of October, 2010

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 19 Kent J. Dawson  
 United States District Judge

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 21 <sup>1</sup>As noted in the Court's Order of September 30, 2010, Plaintiffs filed a Second Amended Complaint (#312) on  
 22 October 15, 2009. On November 2, 2009, however, Plaintiffs filed an Errata to their Second Amended Complaint (#350)  
 23 stating that there had been technical difficulties with their attempt at filing the original Second Amended Complaint. (See  
 24 #361.) Plaintiff averred that a draft of their Second Amended Complaint was filed accidentally, and that the mistake was  
 not noticed until November 2, 2009. For the purposes of this Motion, the Court refers to the Errata (#350) as the Second  
 Amended Complaint, or Errata Second Amended Complaint.

25 <sup>2</sup>The Court notes that Motion (#497) was filed seeking dismissal of Plaintiffs' October 15, 2009, Second  
 26 Amended Complaint, which was superseded by the Errata Second Amended Complaint (#350) filed on November 2,  
 2009. The Court applies Defendants' Motion to the latter in making its decision here, as the issues are the same for both  
 documents, and the Court's ruling applies equally to both.

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